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7 Attorney for Defendant

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,)	Case No.: CR08-00076-JW
12 Plaintiff,)	
13 vs.)	STIPULATION TO CONTINUE
)	PLEA HEARING
14 FRANK GEMBECK, JR.,)	
15 Defendant)	September 29, 2008
)	1:30 pm
)	Courtroom 8, 4 th Floor
)	San Jose

16 It is hereby stipulated between counsel for the Plaintiff and counsel for the
17 Defendant that the plea in the above captioned case scheduled for September 29 at 1:30 p.m. be
18 continued until October 20 at 1:30 p.m. due to the Jewish holiday of Rosh Hashanah which is
19 observed by Alan Ellis, counsel for the Defendant. While the holiday does not begin until
20 sundown on September 29, nonetheless, services at Mr. Ellis's temple begin at 6 pm. The last
21 time Mr. Ellis was in San Jose before this Court on September 15, he did not return home until
22 after 4 pm. The ride from Marin County to San Jose and the court appearance took
23 approximately four hours and due to traffic, was exhausting. Mr. Ellis would prefer not to be
24 exhausted on the eve of his holiday so he can attend temple services with his family in a
25 refreshed condition. Mr. Ellis sincerely appreciates this Court's and the government's courtesies
and consideration.

LAW OFFICES OF ALAN ELLIS

BY: /s/
ALAN ELLIS

Attorney for Defendant

UNITED STATES OF AMERICA

BY: /s/
RICHARD CHENG
Attorney for Plaintiff

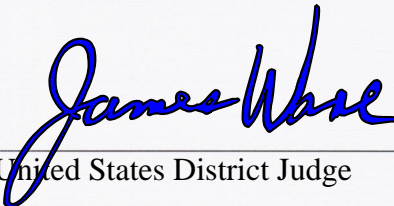
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,) Case No.: CR08-00076-JW
Plaintiff,)
vs.) ORDER
FRANK GEMBECK, JR.,)
Defendant)

It is hereby ordered that the plea scheduled for 1:30 pm on September 29 be continued until 1:30 p.m. on October 20, 2008. Time is excluded from September 29, 2008 to October 20, 2008.

BY THE COURT:

Dated: September 26, 2008


United States District Judge